

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)
Creative Vistas, Inc.) Bankruptcy No. 16 B 02184
Debtor)

) Chapter 11
)
Creative Vistas, Inc.) Judge Jacqueline P. Cox
Plaintiff)
v.) Adv. No.
)
Kolin 46, LLC,)
Defendants)
)

COMPLAINT FOR TURNOVER

Now comes the Plaintiff, Creative Vistas, Inc., by and through its attorney, David P. Lloyd, and complaining of the defendant Kolin 46, LLC, states as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter pursuant to 28 USC 1334 (b) and (d) in that it is a civil proceeding arising under, arising in, or related to a bankruptcy case under Title 11 of the United States Code.
2. This complaint arises under 11 USC §542(a).
3. This complaint initiates a core proceeding pursuant to 28 USC§157(b)(2) (E)and (O).
4. Venue in this District is proper pursuant to 28 USC §1409(a).

SUBSTANTIVE ALLEGATIONS—TURNOVER OF PROPERTY; 11 U.S.C. §542(a)

5. Plaintiff is the Chapter 11 debtor and debtor in possession of this estate.
6. The Debtor filed its voluntary Chapter 11 petition on January 27, 2016.
7. Prior to the time of the filing of this case, the Debtor had leased space at 4532 S. Kolin Av., Chicago, Illinois, from the Defendant.

8. The Debtor conducted a business of storing, moving, and repairing machinery and equipment for its customers at the Kolin Avenue property.

9. Prior to the filing of this case, Defendant recovered possession of the Kolin Avenue property from Plaintiff.

10. At the time that Defendant took possession of the Kolin Avenue property, the Debtor was in possession of numerous pieces of machinery and equipment belonging to its customers. The Debtor filed lists of those pieces of machinery and equipment with the Statement of Financial Affairs in the underlying bankruptcy, and those lists are attached hereto as Exhibit "A."

11. Plaintiff holds storage and mechanics' liens on numerous pieces of machinery and equipment belonging to its customers, pursuant to the invoices attached hereto as Exhibit "B."

12. In addition to its customers' machinery and equipment, the Debtor owns machinery and equipment that is in the possession of the Defendant at the Kolin Avenue property.

13. Plaintiff has made demand of Defendant for the turnover of the machinery and equipment of its customers, but Defendant has refused to turn over that machinery and equipment.

14. Plaintiff was the debtor in a prior Chapter 11 case, No. 15 B 24637, filed in this District on July 20, 2015. That case was dismissed on January 21, 2016.

15. During the pendency of the prior Chapter 11 case, Plaintiff made demand for turnover of both its customers' machinery and equipment, and its own machinery and equipment, from Defendant.

16. Defendant refused to turn over Plaintiff's customers' machinery and equipment and turned over a portion of Plaintiff's own machinery and equipment during the prior Chapter 11.

17. Defendant failed and refused to turn over all of Plaintiff's own machinery and equipment during the prior Chapter 11.

18. Plaintiff suffered actual damages by Defendant's refusal to turn over Plaintiff's own machinery and equipment in full during the prior Chapter 11.

19. Plaintiff's machinery and equipment constitute property of the estate pursuant to Section 541 of the Bankruptcy Code.

20. The machinery and equipment of Plaintiff's customers in which it holds liens constitutes property of the estate pursuant to Section 541 of the Bankruptcy Code.

21. Defendant is a custodian of property of the estate and is obligated under 11 U.S.C. §542(a) to turn over said property.

WHEREFORE Creative Vistas, Inc., prays as follows:

1. That Defendant Kolin 46, LLC, be compelled to turn over all machinery and equipment belonging to the Debtor, and all machinery and equipment belonging to customers of the Debtor, now in its possession or under its control;

2. For judgment against Defendant Kolin 46, LLC, for the value of the machinery and equipment;

3. For judgment for damages for Defendant's violation of the automatic stay in the prior Chapter 11 case in its failure and refusal to turn over all of Plaintiff's own machinery and equipment; and

4. For such other and further relief as this honorable Court may deem meet.

Respectfully submitted,
Creative Vistas, Inc.

By: /s/ David P. Lloyd
Its attorney

David P. Lloyd
David P. Lloyd, Ltd.
615B S. LaGrange Rd.
LaGrange IL 60525
708-937-1264
Fax: 708-937-1265